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Of Great Importance to the Practitioner

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BROWN ON JURISDICTION —OF— ==COURTS.==

By TIMOTHY BROWN, Esq.

Want of Jurisdiction over the Subject-Matter.

Want of Jurisdiction over the Parties to the Suit.

Want of Jurisdiction to Render the Particular Judgment.

These are questions that arise almost daily in every court. In fact, no subject involves more difficulty than that of jurisdiction. There are inherent powers connected with every court which constantly give rise to questions of power to act in the particular case before the court, and require the determination of intricate questions of jurisdiction.

The first question to be considered by the practitioner in the determination of where the action shall be brought, is to consider the jurisdiction of the court to try the cause. The attorney must first select the tribunal that has power to try the action, determine whether the venue of the action lies, and the power of the court to act in view of the defense anticipated; questions of difficulty and moment.

When one considers the great number of jurisdictional questions that are annually determined; the constant changes made by the legislatures of the States in statutory law; the code practice adopted in most States, authorizing the joinder of numerous causes of action and defenses; and consequent embarrassing questions—the subject of jurisdiction becomes yet more difficult to determine.

Almost every other question that ordinarily arises may be cured by agreement, stipulation or waiver; but jurisdiction, going to the power of the court, can only be conferred by sovereign power. The work is compactly written. The text giving the rule of law is extensively annotated. The author has not relied on a bare reference to the adjudicated cases upon the question involved, but gives extensive extracts from the leading cases cited. About 5,000 cases are cited.

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Chapter I.—Source of Jurisdiction.
Chapter II.—Power from which it flows.
Chapter III.—Jurisdiction of Courts generally.
Chapter IV.—Venue of Actions, Local and Transitory.
Chapter V.—Actions, were brought.
Chapter VI.—Of Process.
Chapter VII.—Service of Process by Publication.
Chapter VIII.—Jurisdiction in Rem.

Chapter IX.—Jurisdiction quasi in Rem.
Chapter X.—Criminal Jurisdiction.
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